

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

VS

C.A. No. 06-91(SLR)

ACUSHNET COMPANY,

Defendant.

VIDEOTAPED DEPOSITION OF WILLIAM J. MacKNIGHT
Boston, Massachusetts
Thursday, August 2, 2007

Court Reporter:
Loretta Hennessey
RDR, CRR
JOB No. 69926

1 the legal terms mean.

2 Q. I've always used them interchangeably.

3 A. Okay. Then that would be correct.

4 Q. Okay. Do you remember what the substance of
5 your affidavit was?

6 A. Honestly, I don't, but it had to do with an
7 identical composition of matter arrived at by
8 preparing ionomer blends in different ways.
9 Let's put it -- that's vague, but, I'm sorry,
10 that's the best I can do.

11 Q. I understand. It's kind of a long time ago.

12 Oh, before I go on, have you ever
13 met or spoken to Terry Melvin?

14 A. No.

15 Q. Okay. Well, then, I don't need to ask any more
16 questions about him.

17 Let's go back to your declaration,
18 paragraph 10 on Page 4.

19 A. Yes.

20 Q. Paragraph 10, you say, "I directed the
21 preparation of three inner cover layer
22 materials." Who selected those materials?

23 A. The attorneys.

24 Q. Similarly, let's turn to page 5, Paragraph 13
25 where you say, "I directed the preparation of

1 three outer cover layer materials." Who
2 selected those materials?

3 A. The attorneys.

4 Q. So the selection of the core materials, inner
5 cover materials and outer cover materials in
6 the golf balls you made were all made by
7 attorneys, correct?

8 A. Correct.

9 Q. Those were the attorneys at the Howrey law
10 firm?

11 A. Correct. That would be specifically Mr.
12 Rosenthal.

13 Q. Given that Mr. Rosenthal selected the materials
14 for the core and cover layers of these golf
15 balls, what was your responsibility related to
16 the creation and testing of these golf balls?

17 A. My responsibility was to see that the testing
18 was carried out properly and that true
19 experimental results were obtained from it.

20 Q. Did you direct in any way the selection of
21 materials or manner of construction for these
22 golf balls?

23 A. We discussed some of that before. I was
24 certainly consulted about some of the issues
25 involved, and that's what I can say.

1 Q. And you testified that other than the Papi 94
2 issue, you were not otherwise consulted about
3 how to construct the golf balls?

4 MR. BRANNON: Objection,
5 mischaracterizes.

6 A. The injection molding issue, for example.

7 Q. That's correct.

8 A. Another issue --

9 Q. Other than the Papi 94 and injection molding
10 issue, were there any other ways --

11 A. Yes.

12 Q. -- in which you were consulted about the
13 construction of the golf balls?

14 A. Yes, whether they should be painted or not.

15 Q. Did you make a decision on that issue?

16 A. I had an input on that issue.

17 Q. What was your input?

18 A. I decided that it should, in my opinion.

19 Q. Why?

20 A. Because I thought, and this is based on limited
21 knowledge, that we wanted to make as realistic
22 a golf ball as we could.

23 Q. Were there any other ways in which you
24 contributed input as to how the golf balls were
25 to be created?